IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 45 OF 2006

Jayesh Bhagwandas Chandnani. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri Anand Kumar for Applicant.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 7, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

2. The applicant is seeking the modification of the Order dated 20th April, 2005.

3. By the said Order, liberty was granted to the applicant to sell goods which were seized by the Investigating Officer, in the open market. The direction, however, was given that the goods be sent to the Chemical Analyser for analysis and a certificate be granted by the Chemical Analyser that the goods can be used for washing cars as car shampoo and then the said

goods can be sold by holding an auction.

4. Learned Counsel for the applicant submits that the Chemical Analyser has sent a report stating that he is unable to give any opinion about the use of the said product in the market. He submits that therefore, the condition of obtaining a report of the Chemical Analyser may be dispensed with.

5. Since the permission was already granted to sell the goods after giving public advertisement that the goods should be used only as a car shampoo, in my view, the condition imposed earlier may be dispensed with.

6. The applicant, therefore, has option to sell the goods by giving public advertisement at his costs in the newspapers and the goods may, accordingly, be auctioned with a condition that they shall be sold for industrial use only. However, other conditions in the said Order are not modified.

. The application is allowed in the above terms.

(V.M. Kanade, J.)